2. Announcement Re. Election of Deputy President

Mr. President: I have to announce that the election of the Deputy President will be held at 12-30 P.M. on Saturday, 19th April 1947 and the nomination papers will be received by the Secretary to the Legislative Council up to 12 NOON on Friday, 18th April 1947.

I have also to announce that for the election of the three members to the Standing Finance Committee, nominations of the following three members alone have been received and that they are, therefore, duly elected as members of the Committee.

Mr. K. S. Panicker.
Mr. P. K. Paul.
and Mr. M. K. Varghese.

3. Adjournment Motions *(cont.)*

Before we proceed to Demands for Supplementary Grants, we will take up the question that was postponed yesterday about the admissibility of certain adjournment motions, notices of which were received yesterday. I would like to hear the Government view on this matter given by a former President.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: The matter proposed to be discussed in a motion for adjournment of the business of the House must be a definite matter of recent occurrence. The urgency of the matter proposed to be discussed is one of opinion to be gathered from the facts of each particular motion and it is within the discretion of the President to decide whether the matter proposed to be discussed is of such urgency as to warrant a motion for adjournment of the business of the House. It has been said by a high authority on Parliamentary Practice that the formal moving of the adjournment of the House as a tactical method of introducing new matter into the day's work has been gradually but steadily discouraged. It is a well-known parliamentary practice that adjournment motions unless given notice of at the earli st possible opportunity will be disallowed by the Chair, on the ground that the member seeking leave of the House has himself admitted by his conduct in not availing himself of the earliest opportunity that the matter is not urgent. At page 345 of May's Parliamentary Practice 14th Edition, it has been said that "if the matter is not raised at the earliest opportunity, it fails in urgency." This principle has stood the test of time in the House of Commons and it has been followed in the Indian Legislative Assembly. The Ruling given by the Late, lamented Mr. V. J. Patel, President of the Indian Legislative Assembly, on the 7th September 1927 is to the point. This is reported in Assembly Debates 1927, Volume IV, Nos. 57 to 65, page 4058. I shall read the relevant portions.

"*Mr. President:* I have received the following notice of motion for adjournment of the House under rule 11 of the Indian Legislative Rules from Mr. M. K. Acharya:

> "I desire under Rule 11 of the Indian Legislative Rules to make a motion for the adjournment of the business of the Assembly today (7th September 1947) for the purpose of discussing a definite matter of urgent public importance, namely, the decision of the Bengal Nagpur Railway authorities immediately to retrench 2,000 men of the Kharagpur workshops at a time when the neighbouring parts of the country are stricken with the havoc caused by the recent floods, and while the said railway authorities are giving out on contract to private firms large quantities of work till recently done in the railway work shops by the workmen themselves."

Then the President proceeds:—

Mr. President: This notice of motion came into my hands one minute before 11 O'clock. It is extremely inconvenient to every one concerned, particularly to the Chair and to the Department that Members should give such notice just at the eleventh hour. I must have some time at any rate to consider the question of admissibility to enable me to pass orders on it. I hope, therefore, that Members who desire to give notice of motions for adjournment of the House under rule 11, will at least give a few minutes to the Chair, so that the Chair might communicate with the Department concerned and have their view. This is, of course, for future guidance. As for the particular notice which I have just read to the House, I should like to know from Mr. Acharya on what date this decision of the Bengal Nagpur Railway authorities was arrived at?

Mr. M. K. Acharya: Sir, from the papers that I have got, notice seems to have been given on the 15th of last month and it is to take effect before the end of this month. It is specifically stated in the notice that arrangements should be made so that the whole of the surplus is eliminated before the beginning of the Puja holidays. It says:

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"The notices to the staff whose services are dispensed with compulsorily should be issued so that they will expire by the 29th September at the latest".

I got this two days ago. I was thinking over it and consulting friends as to the action that should be taken. I hope when the occasion arrives I shall be able to show that it is not only urgent but that, in as much as it affects the welfare of 2,000 workers and their families, it is of great public interest, and I hope I shall be able....."

At this stage the President intervened and said:—

Mr. President : I only want to know from the Honourable Member when the decision of the Bengal Nagapur Railway was arrived at? On what date?

Mr. M. K. Acharya : I cannot say, I have got only the letter of the Agent addressed to the Chief Mechanical Engineer giving instructions to bring about retrenchment before the 29th September at latest".....

Mr. President : Unlike the Commerce Member, I am clearly of opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 18th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th in these circumstances.....

Mr. Jamnada M. Metha : Would you hear us on that point?

Mr. President : It is not necessary to hear any more speeches. I rule that the motion is not in order".

The ruling given by a former President of this House (Sir Shanmukham) is in accordance with this principle. The proceedings of this Council of the year 1111, Volume II, page 139, may be read.

"*Mr. President :* I have received the following adjournment motion from Dr. A. R. Menon.—

> "Under rule 18 of the Cochin Legislative Council Rules, I hereby give notice that I intend to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, the recent order of the Government rejecting the motion of the House that no subject of His Highness the Maharaja shall be removed from public roads during para processions".

May I ask the Hon'ble Member when he handed over this notice?

Dr. A. R. Menon : During question time, after 11 o'clock.

Mr. President : May I know what the Hon'ble Member has to say with regard to S. O. No. 13 which says, "The member asking for the leave must before the commencement of the sitting at which he intends to move it leave with the President a written statement of the matter proposed to be discussed".

Dr. A. R. Menon : There was some difficulty. It was not clear where I should take this notice—to the Presdent's room or not. As the section stands it is very difficult to know where I should give the notice to the president. I believe on some occasion a point was raised in this connection and it was ruled that it must be given to the President just before the session begins. Then I put this question as to where I should deliver the notice. Can I go to the President's room and give the notice there? The arrangement is only to give ample time for the President to consider the matter and come to a decision and if you stick to that rule I have no objection to present this again to-morrow.

Mr. President : I do not want to disallow this on such a small technical point. But for the information of the Hon'ble Members, I may say that in future the Hon'ble Members who wish to move for the adjournment of the House must hand over the notice to the Council Secretary at least 15 minutes before the meeting begins, *i.e.*, at 10-45. If they so desire they are at liberty to come to the President's room.

There is a more serious technical objection to this motion. May I know from the Hon'ble Member when this order of the Government was issued?

Dr. A. R. Menon : The exact date I do not remember. I must refer to the Gazette. But it was approximately two weeks ago.

Mr. President : It has been no doubt a well established practice in all legislatures that in the case of adjournment motions the leave for moving a motion must be at the first sitting of the legislature after the matter has been brought to the notice of the Hon'ble Members and unless this is done the motion will be out of order. Now this motion should have been given notice of yesterday.

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Dr. A. R. Menon : I was not able to present it yesterday because I was not a Member. I took oath only yesterday. Therefore, naturally I should not give notice yesterdey.

Mr. President : The Hon'ble Member does preserve his right to give notice after taking the oath. He could have given the notice when the questions were going on. I know that he took the oath only yesterday. But after taking the oath he could have given notice of the motion.

Dr. A. R. Menon : According to the rule only one adjournment motion can be tabled for a day. There was already one adjournment motion tabled yesterday and I expected that it would be accepted. Therefore I did not give notice of this.

Mr. President : The existence of that rule is no bar for half a dozen Hon'ble Members to send adjournment motions. In order to save the limitation motions will have to be tabled at the first day of the sitting. But if this were a bar to another motion then the Hon'ble Member would have had the right to move it to-day. There is nothing to prevent Hon'ble Members from handing over notice of half a dozen motions.

Dr. A. R. Menon : I wish to bring to the notice of the President that we have also some precedents. I remember very well of adjournment motions being admitted on Wednesdays, Thursdays and Fridays.

Mr. President : I am not prepared to accept that. I propose to enforce the practice which is obtained in other legislatures.

Dr. A. R. Menon : We have been following a certain procedure in this Council and unless and until these precedents are changed, this will be a new procedure. We are not concerned with what is being adopted by any other Council in India or otherwise. I am only bound by the practices adopted by this Council. I submit that you will be pleased to note that on any day of the session an adjournment motion can be given notice of. If you wish to make any change, it is only fair to give us a chance.

Mr. President : For the reasons stated above I rule that the motion is out of order."

And there is to my mind no valid reason why that ruling should in any way be disturbed when it is found that that ruling is in consonance with established parliamentary practice elsewhere. In both Houses of the Travancore Legislature this has been the practice. The ruling given by Sir Mohammad Habibulla when a Member sought leave of the House to move an adjurnment motion is this:

> "I have received notice of an adjuornment motion. Before I read it or decide about its admissibility, I think it is time that I draw the attention of Hon'ble Members to the rule on the matter. The rule is that notice of all adjournment motions must be given on the day the House opens, unless there is some matter of urgent public importance which has arisen in the course of the session, in which case an adjournment motion on that particular matter will become admissible. The adjournment motion which I have in my hands must be a matter of which the Hon'ble Member should have had cognisance of when the House met here yesterday. It cannot have assumed urgency overnight. I have been rather tolerant in the past in admitting these adjournment motions although they were not delivered on the first day of the session. But let us work the rules and I hope that in future such a contingency will not arise. I hope Hon'ble Members will take care to send in adjournment motions on the day the House begins. That is the rule in all other Legislatures and that is the practice here also."

The Council has two sessions, *viz.*, the Legislative Session and the Budget Session. A session may consist of more than one meeting and a meeting may consist of one or more sittings. The definition of the words 'meeting' and 'session' contained in S. O. No. 2 makes this position clear and therefore a Member asking for leave must give notice of the motion before the commencment of the sitting at which he intends to move it. The ruling given by the ex-President of this Council has not in any way extended or abridged the meaning of the word 'sitting' occurring S. O. No. 13.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The word is 'sitting'.

Mr. M. Sivarama Menon *(Constitutional Adviser):* But the point is that if a motion for leave to adjourn the business of the House for discussing a matter of urgent public importance which has occurred prior to the commencement of first sitting of a meeting of the Council is not made before the commecement of the first sitting, then it is self-evident that the matter is not urgent and therefore it becomes inadmissible. If, however, the occurrence takes place during the

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sitting of the Council, then, leave to adjourn for discussing that matter can be sought for at the next earliest opportunity of the meeting, *i.e.*, at its next sitting. The ruling of the ex-President Sir Shanmukham is quite consistent with this principle and his advertance to the Parliamentary practice elsewhere establishes that this is the meaning that has to be attributed to his ruling.

I have compared our rules with the set of rules of both Travancore and of the Indian Assembly prevailing on the dates of the rulings quoted by me and they are the same as here.

Government therefore think that leave cannot be granted as the matter is not urgent.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Will I be allowed to meet the points raised by the Hon'ble Constitutional Adviser?

Mr. President: I thought the Hon'ble Member explained his position yesterday.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Yesterday, it was stated Sir Shanmukham Chetty's ruling was clear and the whole thing was stopped and today he promised elucidation and light on the subject which I am glad he has supplied. In the light of that illuminating discussion or rather argument advanced by the Hon'ble Member I believe, Sir, under the discretion vested in you and to meet the ends of justice of the cause, I very respectfully pray that I may be given an opportunity to explain further.

Mr. President: If the Hon'ble Member is so very particular I shall give him an opportunity, but he should be very brief.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, in the first place I am obliged to you for giving me an opportunity. Three eminent names have been mentioned here. With regard to the eminence of the names there is absolutely no doubt.

Mr. President: It is not the names that are relevant here.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is stressed with purpose. The first name is that of the first President of the Central Legislative Assembly at Delhi. From the very argument that he has advanced it is clear that the sitting was a long one. The Assembly began on the 18th of August and the motion was on 7th September after a long period came this motion. That has a bearing upon the question at issue here and the other portions mentioned with regard to the locking out or the dismissal of the railway servants announced in the papers on the 15th and 16th of August must be presumed to have come to the knowledge of the Hon'ble Member Mr. M. K. Acharya, and therefore if he had not done it on the 18th of August it must be presumed to be a confession of want of urgency although the urgency was apparent on the face of it. The first instance mentioned of course says urgency there must be and delay there should not be. I also agree to that proposition. As regards the matter in hand the position is this. I shall briefly refer to the ruling of our own Council by Sir R. K. Shanmukham Chetty and the other ruling in Travancore connecting the name of Sir Habibulla. My question Sir, is this: The urgency of the matter does not depend upon the question whether the motion was made yesterday or rather on Tuesday morning or whether it was made on Wednesday morning. If it is meant that a difference of 24 hours is going to take away the urgency of any matter, I cannot subscribe to the view that it will be considered by the Chair as a sound proposal. Supposing I had left off and I had not placed the motion before the Chair in this session, that may perhaps have a semblance or a shadow of want of urgency, but here, the difference is only 24 hours, instead of placing it on Tuesday morning before the Chair, it has been placed before the Chair on Wednesday. Now in this connection I may be allowed to respectfully place before the Chair this fact, *viz.*, that Tuesday, the first day of the Council was a day unprecedented in the annals of the Cochin Council's life. The whole of the forenoon part of that day's sitting was taken up by something extraordinarily significant for which we are over-enojyed. That is there. In between the evening meeting and the break of the Council after the forenoon meeting, I just showed the Secretary the papers that I wanted to place before the House and asked if I should not place them before the Chair before questions and answers are taken up which admittedly were taken up at 2-45 or 2-46 p.m. Then it was stated by the Hon'ble Secretary that it ought to have been presented in the earlier session. I wanted to have the opinion of the Hon'ble Chair in preference to that of the Secretary and therefore I deferred the matter to yesterday morning and I did it and I am now soliciting the decision, the ruling of the Chair on this question whether a difference of 24 hours or less is going to take away the urgency of the matter which is written large on the face of the subject as every word used in the motion will show. If the matter is not considered urgent, something else will be suspected elsewhere, which will be considered as callousness which of course will not be a desire of anybody to court or to

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Mr. P. Kumaran Ezhuthassan—*(cont.)*
accept. Therefore, my respectful submission is, this difference of 24 hours should not be and cannot be considered to be a matter which may prevail upon the ruling that we are expecting to get from the Chair before long.

Another matter I have to refer to is this, about my attempting to present it. In the first place, the suggestion is made by a responsible officer of the Secretariat of the Council and that suggestion is that I am not considered to be in time or in order and I have to respect it and test the correctness of the position. I not only wanted to test the correctness of the suggestion of the Secretary myself, and my conclusion was that the Secretary's position unfortunately was not correct, and so I wanted that to be tested as I stated earlier by placing the matter before you. This is a factor which you will be pleased to consider and I am sure that the things that I have stated with regard to the showing of the paper will not be denied by him because it is the truth. I admit it was not placed before the Chair—I stress that because otherwise it wi l be considered that I am making a charge against the Secretary, which is far far away from my mind—not being satisfied with the position of the Secretary I wanted to have it tested by placing it before the Chair, as it is going to be tested. I have therefore stated, Sir, a difference of 24 hours is not to be considered as a confession of a want of urg ncy or anything like that. The second point which the Chair may be pleased to consider is something in alleviation of the other position. The third point that I stated, Sir, I am on a very great personage, and when he was flung against me as if it were to whither me away.....

Mr. President: There was no such intention.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I expect there is not. I am sorry I have made the observation,.....

Mr. M. Sivarama Menon *(Constitutional Adviser):* It was pointed out to you by the chair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I accept it. I appologise if I have created any unpleasantness in the minds of any person. I used the very calculated expression under the peculiar circumstances that surrounded that ruling—that ruling cannot be considered to be a precedent which will bind you an elected President of the House in contra distinction to the Diwan President who after all is a servant of His Highness the Maharaja, has got his limitations of a character even the shadow of which cannot be any where, but miles away from you. That is the point. Under the circumstances pertaining to that decision that will not bind me. In that expression I had something else also. It was a motion to question the decision taken by the Government upon an unanimous pronouncement of the House which is representative of the people. It is the most insulting practice followed by Government; in a civilized Country like Cochin, namely one community drives away another when a procession is being taken. There was a discussion.....

Mr. M. Sivarama Menon *(Constitutional Adviser):* On a point of order is not this debate transcending the limits of fair criticism with regard to the ruling of the President casting a reflection upon the propriety of that ruling. I only wish that the matter may be kept in mind.

Mr. President: We are concerned with the ruling and not with the details of a particular instance. Unless there is any real doubt about the ruling, which I do not think there is, whether a ru'ing is correct or not, details of that matter to criticise the ruling after not so many months but so many years, have passed, I think it is not fair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Though I am agreeable to accept the observations that it is not fair, that is not very material that the decision was upon an adjournment motion of the type that was read out.

Mr. President: What is the essential difference?

My. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am coming to that. The position is this. When I mentioned yesterday the environments, I was only referring to a practice, old practice which the representatives of the people wanted to break unanimously on adverse orders passed and that was the subject matter of the motion. With the limitations of the Chair that made that ruling it is not to be taken as a precedent to be followed by you, Sir, who is in thousand and one ways different, a Diwan President ruling a matter and an elected President of ours deciding upon the identical matter even.

Mr. President: That point is understood. You will please proceed with the matter under discussion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Now the identical President who gave this ruling in Vrischigam 1114 in disposing of an adjournment motion, that was given on a day,

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not the first day, but on a Saturday, in a sitting that commenced on Wednesday, it will be seen reported at page 1234 of the Proceedings of our Council dated 3rd April 1937 corresponding to 28th Vrischigam, where that adjournment motion was ruled out on another ground without making absolutely no reference to the fact that it is a belated application and for that reason also was not admissible. Now the same thing was repeated by the identical President on the 5th August 1937 corresponding to 21st Karkadagam, on the 4th day of the meeting. This was another adjournment motion by somebody and was ruled out. The third occasion was when the same eminent President ruled out another adjournment motion on the 9th August 1947, as if it were a confession of the fact that the earlier ruling according to me was seen to be something which ought to have been given. It was studiously avoided. I do not say that Sir Shanmugham Chetty has ruled otherwise. Sir Shanmugham Chetty is not the sort of man who will do it. When Sir Shanmugham Chetty repeatedly, session after session was receiving adjournment motions, not only on the first day, but on advanced days and ruling them and accepting them on other grounds, but studiously avoiding a reference, the most prominent thing in the matter of adjournment motions that would have been consistent with his earlier decision. This comes on Thursday, 4th day of the sitting ruled out by the President, studiously avoiding any reference. Then comes 1st Chingam 1113 corresponding to 17th August 1937. Then comes 28th July 1937 corresponding to 31st Karkadagam, at pages 845, 1209, and 1210. The last one is at page 845. Then comes another instance on 29th March 1939 corresponding to 16th Meenam 1114. Similar things have absolutely no reference to this. On the same day there was another motion regarding leakage of examination papers. Never was there a whisper about the ruling. On the 12th day of the sitting in 1115, 2nd April, on an adjournment motion on a very vital subject moved by the present Minister for Public Health the identical President considering the stressingly significant importance of that decision ruled out. Considering the importance of the subject I am prepared to accept it. That may be noted Sir. Then, Sir, we come to another ruling by another eminent person who occupied the chair who ruled out by making no reference. That person is none other than your good self. An adjournment motion given notice on the 3rd day was ruled out not on the same ground, by the Deputy President of those days absolutely without any reference to it. That I stress and stress. Then Sir another instance. On 19th February 1942, 8th Kumbham 1117. That is a very significant thing from which I want to read a passage. Page 796. Sir, this is the adjournment motion regarding conduct of troops.

"**Mr. President:** I have received 3 adjournment motions relating to the conduct of troops in the town. I propose to disallow them under rule 82 (3), since they relate to the military forces." This is disallowed not against giving notice on a much advanced date.

"**Mr. M. K. Devassy** *(Adur):* On a point of order, Sir, there was a precedent in this House that before an adjournment motion is disallowed, the mover is given an opportunity to explain how the motion is in order."

"**Mr. President:** It is not possible to allow such discussion under the Standing Order". Then comes the significant sentence. "If I think it is in order, it will be permissible. But in this case I do not think it is possible, and I rule it out of order" Here is a precedent in this House that before an adjournment motion is disallowed the mover is given an opportunity to explain. Then the other Hon'ble Member Ikkanda Warriar said "Sir, my adjournment motion does not relate to military forces or troops". Then the President satisfied himself by saying that "I have already given a ruling". Then discussion took place on some other thing. If the motion is read by the President something will follow according to our Standing Orders. At page 56 of my book and 23 (1) of the Legislative Council Rules "a member asking leave to make a motion must hand over to the President a written statement and if the President is of opinion that the matter proposed to be discussed is in order he shall read the statement to the Council". That has also been done. "If the President is of opinion that the motion is in order" I argue Sir that this has been read out in the Council. Therefore the President has considered the matter to be in order. Then follows a more significant sentence. "If no objection is taken the President shall intimate the hour at which the motion will be taken".

Mr. President: I understand the point.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I develop it further with your leave. If objection is taken what is the next procedure? "The President shall request those members who support the motion to rise in their places".

Mr. President: That is a matter which is relevant and that has to be done.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That will not be justice to the cause which I have placed before the chair. But I stress these things on another point. "If objection is taken, the President shall request those members who support the motion to rise in their places and, if not less than twenty members rise accordingly he shall similarly intimate the hour. If less than twenty members rise, the President shall inform the member that he has not the leave of the Council." That is not going to take place in this House and I am not foolish enough to accept it. We have reached that state.

Mr. President: I would request the Hon'ble Member to wind up his remarks.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I would take only 3 minutes. I read out that portion for the purpose of showing that in the Hon'ble President of any Legislature including your goodself rests the discretion to waive any one of the technical rules of Adjournment motions in contradistinction to the fundamental things—definite matter—one subject only. They are the fundamental things. The others are technical. 24 hours should not make a difference for ruling. The President has got the discretion to waive these technicalities and allow the discussion of a motion which according to the President and according to the feelings expressed by the members, even by the Hon'ble spokesmen of the Government, the importance of the subject has not been denied by him. Therefore a sort of consent, if the other will be a confession. Therefore my respectful submission, Sir is Sir Shanmugham Chetty's ruling being what I attempted and I believe succeeded in showing what it is. With his limitations, Sir Shanmugham Chetty's subsequent conduct in over ruling many an adjournment motion on other grounds never referring to this fact in cases where notices were given on subsequent sittings of the Council and the importance of the subject being not questioned, the discretion that rests in the chair being such a well known preposition such discretion being usable and intended for such contingencies, as the one that has been ruled. Technicalities go to the fundamentals. If the fundamentals are ruled out that is the distinction in contradistinction to the Diwan President with his limitations referred to by me and consistent with the hallow of the House that surround an elected President, our first elected President I expect a ruling that this is perfectly discussable and permission is granted.

Mr. President: Before I give a ruling, I would like to make a few observations. Let me deal with the last point dealt with by the Hon'ble Member. He has argued that because the motion was read out in the House, therefore, it is admitted. To this I would draw the attention of the Hon'ble Members to the very occasion on which the ex-President, Sir Shanmukham Chetty gave the ruling on which ruling we are having the present discussion. If we open the pages of the proceedings of the Council of 10th December 1935 page 139, we find the proceedings reported there, as follows:—

Mr. President: I have received the following adjournment motion from Dr. A. R. Menon:—

> "Under rule 18 of the Cochin Legislative Council Rules, I hereby give notice that I intend to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, the recent order of the Government rejecting the motion of the House that no subject of His Highness the Maharaja shall be removed from public roads during para processions."

There may have been instances and I know there had been instances—when Sir Shanmukham Chetty summarily dismissed adjournment motions without even reading them to the Council. May be the reason was that he did not find any necessity to take the trouble of wasting the time of the members by reading out the motions. But here is a specific instance of how even before considering the question of admissibility of a motion, the motion was solemnly read before the Council. Therefore I can understand why the Hon'ble Member did not want to stress the point. Regarding the other observation that I am an elected President. If I am an elected President, does it mean that I must overrule all former rulings given in this House simply because I am an elected President? The ruling that was previously given by, Sir Shanmukham Chetty even though he was the Diwan President at that time, was explicitly and expressly based upon the practice obtained in the Mother of Parliaments and in the Central Legislature where there was an elected President. Thirdly, I would like to go in to the circumstances mentioned by the Hon'ble Member which he said, go to alleviate the difficulties that are in the way of admitting this motion. Well, these circumstances at any rate do not appeal to me as justifying the setting aside of the former ruling. And lastly about the instances quoted by the Hon'ble Member, I presume, they are correct. The argument which is supported by some instances is this, namely; that in ruling out those adjournment motions, the Diwan President of that time did not allude to the ruling that was given previously, but ruled them

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out on other grounds. It seems to me that there were other grounds on which the motions could have been ruled out and the Diwan President ruled them out on those grounds. To rule out a motion, not only a former ruling is the ground, but there may be several other grounds and the President is at liberty to pick out one or some of those grounds and to rule out the motion on those grounds instead of dwelling upon all the possible reasons relating to the ruling out of the motion. I have very carefully considered this question more because I am an elected President. (Hear, hear). I came to the conclusion that there is no ground to set aside the former ruling given by the President of this House on the 10th December 1935. I therefore rule that that ruling stands. With regard to the adjournment motions, therefore. I suppose I need not read them again, as I have read them yesterday I rule that the motions are out of order.

The House rose for lunch at 1-30 p.m. and resembled at 2-30 p.m. as the Hon'ble President in the Chair.

4. Announcement—Re-Election of State Representative to the Indian Constituent Assembly

Mr. President: Before proceeding with the items in the Agenda, I wish to announce that only 4 nominations for election of the State's representative to the Indian Constituent Assembly were received up to 12 noon.

1. Proposed by Mr. V. R. Krishnan Ezhuthassan and seconded by Mr. P: Sankara Menon
2. Proposed by Mr. Paramel Ipe Ipe and seconded by Rao Sahib K. Ayyappan,
3. Proposed by Mr. K. T. Achuthan and seconded by Mr. P. Narayana Menon.
4. Proposed by Mr. P. A. Mohamed Ashroff and seconded by Mr. P. K. Paul.

As only one person has to be elected Mr. Panampi ly Govinda Menon is declared duly elected.

Now we will proceed to the demands for supplementary grants. In this connection, I would like to bring to the notice of the Hon'ble Members the great number of items that are still in the Agenda and therefore I would suggest that some restriction regarding time other than that now exists may be imposed and if the House is agreeable I would say that the time may be limited to 5 minutes.

Mr. P. Kumaran Ezhuthassan *(Vadakkanchari):* If Government is agreeable.

Mr. P. Govinda Menon *(Minister for Food and Education):* Not only Government, but the House.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The recognised position is not in the House under part 3 Discipline. I am a solitary individual fighting a severe battle against some of the factors of Government. All these cut motions I have to move and I shall certainly be guided by the decision of the chair as effectively in 5 minutes. But I am going to move every cut and press it home.

Mr. President : So, the Hon'ble Member is agreeable to restrict it to five minutes.

Mr. P. Govinda Menon *(Minister for Food and Education):* He means he can bring about the same state.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I can fully understand the chair without a commentary about it.

Mr. President : Let us proceed to the items.

5. Demands for Supplementary Grants

(XXXIV) 2-A-4-Seed and Manure Depot—Other charges

Mr. C. R.Iyyunni *(Minister for Revenue):* I move that an additional allotment Rs. 1,440 be granted under "2-A-4—Seed and Manure Depot—Other charges".

The note of the Standing Finance Committee is before the House and everything connected with it.

Mr. President: The question is that Government be granted an additional sum of Rs. 1,440 under "2-A-4-Seed and Manure Depot—Other charges".

Demand put and carried

XXXV—II—Stamps

Mr. C. R. Iyyunni *(Minister for Revenue):* I move that an additional allotment of Rs. 50,000 be granted under "11-Stamps—Purchase of Stamps and Stamp papers". The note will explain the reason.

Mr. President : The question is that Government be granted an additional sum of Rs. 50,000 under "11-Stamps—Purchase of Stamps and Stamp papers".

Demand put and carried

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